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Campos and Campos Trucking Services

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Carmen Ramirez Perez,

Plaintiff,

v.

Manuel Ernesto Campos and Jane Doe
Campos, husband and wife; Campos Trucking
Services, a corporation licensed to operate in
Arizona; John Does I-X; Jane Does I-X; Black
Corporations I-X; and White Partnerships I-X ,

Defendants.

NO.

NOTICE OF REMOVAL

Defendants Manuel Ernesto Campos and Campos Trucking Service
("Removing Defendants"), hereby file the following Notice of Removal of this action,
currently pending in the Superior Court of the State of Arizona, County of Maricopa, No.
CV2019-000786, to United States District Court for the District of Arizona pursuant to
28 U.S.C. §§ 1332, 1441, and 1446. As grounds for removal, Removing Defendants state
as follows:

PROCEDURAL HISTORY

1. The above-captioned case commenced when Plaintiff Carmen
Ramirez Perez ("Plaintiff") filed a Complaint in Superior Court in and for Maricopa

1 County, on or about January 7, 2019. *See* Complaint, along with complete copy of
2 Superior Court file, attached as Exhibit A.

3 2. Removing Defendants, through counsel, executed a Waiver of
4 Service of Summons on March 20, 2019. Service of the Summons and Complaint was
5 completed as of that day.

6 3. A responsive pleading on Removing Defendants' behalves has not
7 yet been filed.

8 **TIMELINESS OF REMOVAL**

9 4. Under 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed
10 within 30 days after the receipt by the defendants, through service or otherwise, of a copy
11 of the initial pleading setting forth the claim for relief upon which such action or
12 proceeding is based.

13 5. This Notice of Removal is filed within 30 days after waiver of
14 service and, therefore, is timely. *See* 28 U.S.C. § 1446(b)(1).

15 6. A Notice of Filing Notice of Removal was filed with the Superior
16 Court in and for Maricopa County. *See* Notice of Filing Notice of Removal (exclusive of
17 exhibits), attached as Exhibit B.

18 **BASIS OF REMOVAL**

19 7. This Court has original jurisdiction over this action pursuant to 28
20 U.S.C. § 1332 because the amount in controversy exceeds \$75,000.00 and there is
21 complete diversity of citizenship. *See* 28 U.S.C. § 1332(a).

22 8. Plaintiff's Complaint is based on a collision involving a pickup truck
23 and a tractor trailer. She has already disclosed to Defendants medical records and billings
24 totaling \$100,847.84 that she alleges are reasonable and related to this accident. The value
25 of the claim exceeds \$75,000, thus the amount in controversy is satisfied.

26 9. According to the Complaint, Plaintiff resides in Maricopa County,
27 Arizona, where she presumably intends to remain. She is thus considered a citizen of
28 Arizona.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April 2019, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court's CM/ECF system.

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Attorney for Plaintiff

/s/Victoria G. Wells